

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILEDfor the
Southern District of Texas

NOV - 3 2014

United States of America

v.

Clerk of Court

1 Juan GONZALEZ-Mercado YOB: 1983 Mexico
2 Dany ALVARADO-Velasquez YOB: 1990 Guatemala

Case No.

m-14-2104-m

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 31, 2014 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. § 1324(a)(1)(A)(iii)

Knowing and in reckless disregard of the fact that Carlos Alberto Riascos-Perdomo and Estibinson Rivas-Viafara, citizens of Colombia, who were aliens who had come to, entered and remained in the United States in violation of law; conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such aliens, in addition to fourteen (14) undocumented aliens, for a total of sixteen (16) undocumented aliens, in any place, including any building or any means of transportation; to wit a residence in Pharr, Texas.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

Approved
J. H.

R. S.

Complainant's signature

Ryan Serge, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/3/2014

Dorina Ramos

Judge's signature

City and state: McAllen, TexasDorina Ramos, U.S. Magistrate Judge
Printed name and title

ATTACHMENT "A"

On October 30, 2014, the Pharr, Texas Police Department (Pharr PD) received a concerned citizen tip regarding a residence located at 1201 E. Moore, Lot 109, mobile home #37, Pharr, Texas (herein referred to as, "the residence") being used to harbor undocumented aliens (UDAs). Pharr PD Officers subsequently requested assistance from Office of Border Patrol Agents (BPAs).

On October 31, 2014, at approximately 9:30 AM, BPAs requested assistance from Homeland Security Investigations (HSI) Special Agents (SAs). A short time later, agents observed a white Chevrolet Lumina (Texas: JJV 243) driven by Juan GONZALEZ-Mercado leave the residence. BPAs subsequently requested assistance from Pharr PD Officers.

Pharr PD Officer A. Villarreal (#4000) responded and conducted a traffic stop of the Lumina for Display Expired License Plates and Operate Vehicle Without License Plate (or with one plate). BPAs subsequently conducted an immigration inspection of GONZALEZ and the passenger and determined that both individuals were UDAs.

GONZALEZ was read his Miranda Rights and admitted to harboring approximately twelve (12) UDAs at the residence. GONZALEZ granted agents verbal and written consent to search the residence, provided agents with a key to the residence, and granted agents consent to search his cellular telephones.

At approximately 10:20 AM, a HSI SA, BPAs, and Pharr PD Officers conducted a consent search of the residence that resulted in the apprehension of an additional sixteen (16) UDAs (to include Dany ALVARADO-Velasquez). All principals and UDAs were transported to the Weslaco Border Patrol Station for further interview and processing.

In a post-Miranda statement, GONZALEZ stated that he worked at the residence in exchange for his smuggling debt (\$4000) to be paid off. GONZALEZ stated that has lived at the residence for one and a half (1 ½) months and paid \$550 in rent with money he received for his role at the residence. GONZALEZ further stated that his job at the residence was to take care of UDAs staying at the house temporarily and to provide supplies, food, and water. GONZALEZ stated that he transported UDAs to the residence. GONZALEZ also stated that his girlfriend, ALVARADO, accompanied GONZALEZ when buying supplies.

In a post-Miranda statement, ALVARADO stated that GONZALEZ transported her to the residence approximately one (1) month ago and they entered into a relationship. ALVARADO stated that she worked at the residence in exchange for a reduction in her smuggling fee. ALVARADO stated that she cooked food for the UDAs and that she and GONZALEZ would go grocery shopping for the UDAs. ALVARADO also stated that she received telephone calls from the individual in charge of the UDA smuggling organization regarding the number of UDAs at the residence and the number of UDAs leaving the residence.

ATTACHMENT "A"

Material witness Carlos Alberto Riascos-Perdomo stated that GONZALEZ was the individual that transported RIASCOS and another UDA to the residence in a white car. Riascos stated that GONZALEZ brought them inside the residence and introduced some of the other occupants. Riascos also stated that GONZALEZ and ALVARADO brought bread, ham, and water to the UDAs yesterday. Riascos identified GONZALEZ and ALVARADO in six-person photo lineups.

Material witness Estibinson Rivas-Viafara stated that GONZALEZ transported Rivas and four (4) other UDAs to the residence. Rivas stated that GONZALEZ later instructed the UDAs to pay GONZALEZ \$300. Rivas stated that ALVARADO went with GONZALEZ on four (4) or five (5) occasion to get food for the UDAs. Rivas stated that GONZALEZ and ALVARADO brought bread, baloney, and water for the UDAs yesterday. Rivas identified GONZALEZ and ALVARADO in six-person photo lineups.